

CARE WAC REFERENCES FOR USE WITH PLANNED ACTION NOTICES & IP TERMINATION LETTERS

I. CLIENT-RELATED WAC REFERENCES

A. Hours decreased to correspond to assessed current unmet needs

All programs:

[388-71-0460](#) "Are there limitations to HCP services I can receive?"

and [388-72A-0095](#) "How are the number of hours I can receive for in-home services determined?"

and [388-72A-0105](#) "What would cause a change in the maximum hours authorized?"

B. Hours decreased due to multi-client household and/or provider and client living in same household

All programs:

[388-71-0460 \(3\)](#) "Are there limitations to HCP services I can receive?"

["The department will not pay for shopping, housework, laundry, meal preparation, or wood supply when . . . (client) and . . . IP live in the same household."]

and [388-71-0460 \(4\)](#) "Are there limitations to HCP services I can receive?"

["The department will adjust payments to an IP . . . who is doing household tasks for more than one client living in the same household"]

and [388-72A-0095 \(1c\)](#) "How are the number of hours I can receive for in-home services determined?"

C. Limit to hours authorized for parent providers living with adult clients (96) and to total hours per client for all IPs (184)

All programs:

[388-72A-0095 \(2\)](#) "How are the number of hours I can receive for in-home services determined?"

and [42CFR440.230](#) "Requirements and limits applicable to all services"

(Also, [HCS MB 03-63](#) "Authorization to parent providers . . . and total hours an IP can work for a client")

D. Insufficient direct personal care needs for program

COPES: [388-72A-0055 \(4a-d\)](#) "Am I eligible for COPES-funded services?"

MPC: [388-72A-0060 \(2\)](#) "Am I eligible for MPC-funded services?"

(Also, [HCS MB 03-45](#), [03-65](#), and [MPC denial letter](#): "New MPC eligibility, effective 9/1/03")

Chore: [388-72A-0065 \(2\)](#) "Am I eligible for Chore-funded services?"

All programs:

[388-72A-0035](#) "What are personal care services?"

and [388-72A-0040](#) "What information does the assessor gather?"

E. No COPES services for 30 consecutive days

COPES Only: [388-513-1320\(3\)\(b\)](#) "A client loses institutional status when..."
(This does not apply to MPC or Chore clients.)

F. No longer financially eligible

COPES: [388-515-1505](#) "Community options program entry system (COPES)."
and [388-72A-0055 \(2\)](#) "Am I eligible for COPES-funded services?"

MPC: [388-500-0005](#) "Categorically Needy under Title IX..."
and [388-72A-0060 \(1\)](#) "Am I eligible for MPC-funded services?"

Chore: [388-72A-0065 \(4-6\)](#) "Am I eligible for Chore-funded services?"

G. Refuses a reassessment to determine continued eligibility

All programs:

[388-71-0450](#) "How do I remain eligible for services?"

H. Needs met by other resources (e.g., family or friend)

All programs:

[388-72A-0095 \(1\)](#) "How are the number of hours I can receive for in-home services determined?"

["HCP services may not replace other available resources the department identified when completing CARE. The hours will be adjusted to account for tasks that are either fully or partially met by other available resources. These resources may be unpaid or paid for by other state or community sources."]

and [388-71-0460 \(1\)](#) "Are there limitations to HCP services I can receive?"
["HCP services may not replace other available resources, both paid and unpaid."]

{also see [MB 02-08](#) "Unmet need describes the assistance a client needs *after* alternative resources have been taken into account." }

II. IP-RELATED WAC & RCW REFERENCES

A. Abuse, neglect, abandonment or exploitation

[388-71-0540 \(4\)](#) "When will the department or AAA deny payment for services of an individual provider or home care agency provider?"

[388-71-0551 \(1\)](#) "When can the department or AAA terminate or summarily suspend an individual provider's contract?"

B. Disqualifying criminal conviction(s)

[388-71-0540 \(3\)](#) "Has been convicted of a disqualifying crime...or a crime related to drugs."

and [RCW 43.20A.710 \(5\)](#) "...the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

C. Disqualifying drug-related conviction(s)

[388-71-0540 \(3\)](#) "When will the department or AAA deny payment for services of an individual provider or home care agency provider?"

and [RCW 43.43.835](#) "Background checks -- Drug-related conviction information."

and [RCW 43.43.830 \(1a\) & \(6\)](#) "Background checks: Access to children or vulnerable persons – Definitions" and "Crimes relating to drugs."

D. Inability to meet client's needs

[388-71-0546](#) "When can the department or AAA reject the client's choice of an individual provider?"

E. Inadequate quality of care

[388-71-0551](#) "When can the department or AAA terminate or summarily suspend an individual provider's contract?"

["...if the provider's inadequate performance or inability to deliver quality care is jeopardizing the client's health, safety, or well-being."]

F. Terminated by the client

[388-71-0540 \(8\)](#) "When will the department or AAA deny payment for services of an individual provider or home care agency provider?"

G. Training not completed

[388-71-0540 \(6\)](#) "Does not successfully complete the training requirements within the time limits required..."

and [388-71-0520](#) "Are there educational requirements for an individual provider or a home care agency provider of an adult client?"

H. Summary (immediate) suspension due to imminent jeopardy

[388-71-0551](#) “When can the department or AAA terminate or summarily suspend an individual provider's contract?”

I. Not meeting terms of IP contract

[388-71-0556](#) “When can the department or AAA otherwise terminate an individual provider's contract?”

J. Not meeting basic IP responsibilities

[388-71-0515](#) “What are the responsibilities of an individual provider or home care agency provider when employed to provide care to a client?”

K. Not completing criminal background application

Prior to initial date of hire: [388-71-0510](#) “How does a person become an individual provider?”

or

Prior to hire by another client: [388-71-0546](#) “When can the department or AAA reject the client’s choice of an individual provider?”

or

Every two years of employment: Consult with team supervisor prior to sending a Planned Action Notice. (There is no specific WAC reference for this program requirement.)

and [RCW 43.20A.710 \(1b\)](#) “Investigation of conviction records or pending charges of state employees and individual providers”

Note: If none of the above references fit your client’s situation, go to:

[Home and Community Services and Programs WAC 388-71](#)

or

[Comprehensive Assessment Reporting Evaluation \(CARE\) Tool
WAC 388-72A](#)

Then search for the topic heading you’re looking for, and click its corresponding link.